# DOCKE FILE DOPY ORIGINAL

## RECEIVED

UAN 29 19931

Before the FEDERAL COMMUNICATIONS COMMISSION Washington, DC 20554 CFFICE OF THE SECRETARY

In re Applications of

Rivertown Communications Company

Sample Broadcasting Company, L.P.

File No. BPH-911010MA

For Construction Permit
for a new FM Station on
Channel 282C3 in Eldon, Iowa

MM Docket No. 92-316

File No. BPH-9110108ME

File No. BPH-911010MA

To: Administrative Law Judge John M. Frysiak

#### PETITION FOR LEAVE TO AMEND AND AMENDMENT

Sample Broadcasting Company, L.P., ("Sample") by its attorney hereby petitions for leave to amend the above referenced application. This amendment is filed pursuant to Sections 73.3522 and 1.65 of the Commission's rules to update the broadcast interests of Bruce H. Linder, Sample's non-attributable principal, and his immediate family. In support thereof the following is shown.

This amendment is minor and technical in nature and is provided in order to keep the application true and correct pursuant to Section 1.65 of the Commission's rules. It reports that on December 30, 1992, Bruce Linder and his father, Donald Linder, each became officers and directors in Plum Creek Broadcasting Co., licensee of station KARL(FM) Tracy, Minnesota. In addition, KMHL Broadcasting Company became the 100% shareholder of Plum Creek. These interests

Mo. of Copies rec'd OHO

were obtained at the consummation of the transfer of control of Plum Creek Broadcasting Co., authorized by the Commission in File No. BTCH-921006GZ, on December 17, 1992.

In order for Sample's amendment to be accepted, it must show good cause. Erwin O'Connor, 22 FCC 2d 140 (Rev. Bd. 1970), requires that the amendment (1) was prepared with diligence; (2) was not required by the voluntary act of the applicant; (3) will not necessitate modification or addition of issues or parties; (4) will not disrupt the orderly conduct of the hearing or necessitate additional hearing; (5) will not unfairly prejudice other parties; and, (6) will not cause the applicant to gain a comparative advantage.

Sample's amendment meets each of the O'Connor requirements. As reported, the interests were acquired on December 30, 1992, and are being reported within the thirty day period set forth under Section 1.65 of the rules. This amendment, therefore, is timely. Bruce and Donald Linder's acquisition of an additional broadcast interest was not caused by any voluntary act of Sample. Inasmuch as Bruce Linder is a passive equity investor in Sample, his personal broadcast interests are of no significance to this comparative proceeding and will not necessitate modification or addition of issues or parties, nor will it disrupt this proceeding. This amendment is for reporting purposes only, will not unfairly prejudice any other party to this proceeding and will not affect Sample's comparative stature before the Commission.

Accordingly, there is good cause to accept the attached amendment.

Respectfully Submitted,

SAMPLE BROADCASTING COMPANY, INC.

John S. Neely Its Attorney

January 29, 1993

Miller & Miller, P.C. P.O. Box 33003 Washington, DC 20033

File No. BPH-911010MA Eldon, Iowa

#### AMENDMENT

The application of Sample Broadcasting Company, L.P. ("Sample") for a new FM station at Eldon, Iowa, File No. BPH-911010MA, is amended as follows:

Exhibits II-B and II-D should now show the following additional broadcast interests of Bruce H. Linder and his father, Donald Linder. Bruce H. Linder is Sample's limited partner.

On December 30, 1992, Donald Linder became President and a director and Bruce Linder became Secretary, Treasurer and a director of Plum Creek Broadcasting Co., licensee of station KARL(FM) Tracy, Minnesota. KMHL Broadcasting Company became the 100% voting shareholder of Plum Creek Broadcasting Company. These interests were acquired at the time of the consummation of the transfer of control of station KARL as approved by the Commission on December 17, 1992, in File No. BTCH-921006GZ.

SAMPLE BROADCASTING COMPANY, L.P.

January 28, 1993

Carmela Sample, General Partner

### CERTIFICATE OF SERVICE

I hereby certify that on this  $\frac{27}{2}$  day of  $\frac{1993}{2}$ , a copy of the foregoing document was placed in the United States mail, first class postage prepaid, addressed to the following:

Norman Goldstein, Esq. Mass Media Bureau, Hearing Branch Federal Communications Commission Washington, DC 20554

Donald E. Ward, Esq. Law Offices of Donald E. Ward, P.C. P.O. Box 286 Washington, DC 20044-0286

Chief, Data Management Staff Audio Services Division Mass Media Bureau, Room 350 1919 M Street, NW Washington, DC 20554

Koter Jucen